

AIPA Term Calculation Report

APPLICATION INFORMATION			
Docket Number:	HR7003CON	User Name:	Chan-Moroney, Julie
Application Number:	10/628,920	Firm/Company Name:	Johnson & Johnson
Filing Date:	07/29/2003	User Comments:	
Title/Inventor(s):	SURGICAL CLIPS AND METHODS FOR TISSUE APPROXIMATION; Lee R. Boldec, Mountain View, CA		
		Calculation Generated:	01/10/2011 03:55:05 PM ET

AIPA TERM CALCULATION SUMMARY	
Earliest Referenced Application under 35 USC § 120, 121, or 365(c):	02 / 24 / 1995
Filing Date (US National Application):	07 / 29 / 2003
Net Adjustment Credits:	1570 Days
Net Adjustment Debits:	159 Days
Patent Term Adjustment:	1411 Days
AIPA Patent Term End Date:	01 / 05 / 2019 (1)
(1) Assumes payment of all maintenance fees, no intervening acts, and no 35 USC 156 regulatory extensions. Terminal disclaimer(s) filed in this case, if any, may result in an earlier term end date. Without adjustment, the term would end on 02/24/2015.	

COMPARISON TO USPTO PAIR PTA TAB (2) (Based on PAIR Data from 01/10/2011)			
	PAIR PTA Tab	Your Calculation	Comparison
Credit Days (USPTO Delay):	1561	1570	x
Debit Days (Applicant Delay):	95	159	x
Total Patent Term Adjustment Days:	1466	1411	x
(2) Comparison is shown for Non-Overlapping USPTO Delays, Applicant Delays, and Total PTA Adjustments (field(s) from USPTO PAIR Patent Term Adjustments (PTA) tab on 01/10/2011. See the full PAIR PTA tab, file wrapper (e.g., Notice of Allowance, PTA petitions), and issued patent for complete information on USPTO-calculated PTA.			

RULE CALCULATION SUMMARY (3)

Event	Rule Invoked	Related Event	Exclusion Days (d)	Debit Days (S)	Credit Days (6)
A 07/29/2003 Filing Date under 35 USC 111(a) (US National Application)	14-Month PTO First Action PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(b) or (f) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the notification is applied on, or the date on which the application was filed under 35 USC 111(b) or (f) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.705(b)(1).	<i>First PTO Action</i> 11/16/2005 Non-final Action			413
B 07/29/2003 Filing Date under 35 USC 111(a) (US National Application)	3-Year PTO Issue of Patent PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the issued exclusivity periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule in accordance with <i>Wyeth v. Karpas</i> , 591 F.3d 1364 (Fed. Cir. 2010).	<i>Issue Date</i> 07/27/2010 Issue Date			583
C 11/16/2005 Non-final Action	3-Month Applicant Response to Notice or Action Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(i); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i> 03/16/2006 Reply after Non-final Action under 37 CFR 1.111		28	

D	03/16/2006 Reply after Non-final Action under 37 CFR 1.111	<p>4-Month PTO Response to Applicant Reply:</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p>	PTO Response: 03/29/2007 Final Rejection	256
E	03/29/2007 Final Rejection	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice of action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened period, may not be used to reply to the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.703(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	Applicant Response: 09/04/2007 Notice of Appeal to Board of Patent Appeal and Interferences	67
F	09/04/2007 Notice of Appeal to Board of Patent Appeal and Interferences	<p>Exclusion for Appellate Review</p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>	Responsive Event: 03/17/2009 Final Decision by Board of Patent Appeals and Interferences	561
G	09/04/2007 Notice of Appeal to Board of Patent Appeal and Interferences	<p>Credit for Successful Appellate Review</p> <p>Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145. 35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</p> <p>You have indicated the patent issued under an appeal decision reversing an adverse determination of patentability.</p>	Final Applicant Decision: 03/17/2009 Final Decision by Board of Patent Appeals and Interferences	561

<p>H</p> <p>02/04/2008 Appeal Brief by Applicant</p>	<p>4-Month PTO Response to Appeal Brief</p> <p>PTO must respond to an appeal taken under 35 USC 134 not later than 4 months after the date on which the appeal was taken. The period of adjustment (credits) begins on the day after the date that is 4 months after the date an appeal brief is in compliance with 37 CFR 41.37 was filed and ending on the date of mailing of any of an examiner's answer under 37 CFR 41.39, an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(4).</p>	<p><i>PTO Response to Appeal Brief</i></p> <p>05/13/2008 Examiner's Answer to Appeal Brief</p>		<p>0</p>
<p>I</p> <p>05/30/2008 Miscellaneous PTO Action or Notice</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154(b)(2)(C)(i); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response</i></p> <p>06/13/2008 Reply Brief by Applicant</p>	<p>0</p>	
<p>J</p> <p>03/17/2009 Final Decision by Board of Patent Appeals and Interferences</p>	<p>4-Month PTO Response to Appellate Decision</p> <p>PTO must act on an application not later than 4 months after the date of a decision by the BPAA under 35 USC 134 or 135 or a decision by a Federal court under 35 USC 141, 145, or 146 where at least one allowable claim remains in the application. The period of adjustment (credits) begins on the day after the date that is 4 months after the date of the final decision by the Board of Patent Appeals and Interferences under 35 USC 134 or a Federal court under 35 USC 141 or a civil action under 35 USC 145 or 146 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(iii); 37 CFR 1.702(a)(3), 1.703(a)(5).</p> <p>You have indicated allowable claim(s) remain in the application.</p>	<p><i>PTO Response to Decision</i></p> <p>06/25/2009 Notice of Allowance under 35 USC 151</p>		<p>0</p>

<p>K</p> <p>06/25/2009 Notice of Allowance under 35 USC 151</p>	<p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(i); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>09/16/2009 Request for Continued Examination under 35 U.S.C. 132(b)</p>	<p>0</p>	
<p>L</p> <p>09/16/2009 Request for Continued Examination under 35 U.S.C. 132(b)</p>	<p><u>Exclusion for Continued Examination</u></p> <p>3-Year PTO Issue Requirement does not include the period consumed by continued examination of the application under 35 USC 132(b), beginning on the date on which a request for continued examination of the application under 35 USC 132(b) was filed and ending on the date the patent was issued. 35 USC 134(b)(4)(B)(i); 37 CFR 1.702(b)(1), 1.703(b)(1).</p>	<p><i>Issue Date:</i></p> <p>07/27/2010 Issue Date</p>	<p>315</p>	
<p>N</p> <p>01/14/2010 Notice of Allowance under 35 USC 151</p>	<p><u>3-Month Applicant Response to Notice or Action</u></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(i); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>04/14/2010 Issue Fee Payment under 35 USC 151</p>	<p>0</p>	

<p>03/17/2010 Notice of Allowance under 35 USC 151</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any objection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period of shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(vi); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 134(b)(3)(C); 37 CFR 1.705(e).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>04/14/2010 Issue Fee Payment under 35 USC 151</p>	<p>0</p>	
<p>04/14/2010 Issue Fee Payment under 35 USC 151</p>	<p>4-Month PTO Issue of Patent</p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements are satisfied and ends on the day the patent issues. 35 USC 134(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i></p> <p>07/27/2010 Issue Date</p>	<p>0</p>	
<p>05/05/2010 Information Disclosure Statement</p>	<p>Amendment or Paper after Notice of Allowance (IDS)</p> <p>Period of adjustment (credits) shall be reduced where applicant submits an amendment under 37 CFR 1.312 or other paper after a notice of allowance has been given or mailed; (i) for the period beginning on the date the amendment or other paper was filed and ending on the mailing date of the Office action or notice in response to the amendment or such other paper; or (ii) 4 months, whichever is less. 37 CFR 1.704(c)(10).</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(e) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. 37 CFR 1.704(d).</p> <p>You have elected to analyze this rule under the PTO Interpretation. Both interpretations produce the same result.</p> <p>You have indicated that no statement under 37 CFR 1.704(d) was included with this IDS.</p>	<p><i>Notice of Allowance:</i></p> <p>03/17/2010 Notice of Allowance under 35 USC 151</p> <p><i>Office Action or Notice in Response:</i></p> <p>07/07/2010 Issue Notification</p>	<p>64</p>	
<p>Total Exclusion, Debit, and Credit Days:</p>		<p>876</p>	<p>159</p>	<p>1813</p>
<p>Overlap Days (7) :</p>		<p>0</p>	<p>0</p>	<p>243</p>
<p>Net Exclusion, Debit, and Credit Days:</p>		<p>876</p>	<p>159</p>	<p>1570</p>

Patent Term Adjustment Days (8) :

1411

- (3) Calculations of Debit, Credit, and Exclusion Days are determined by the rule assignments, assignments of related events, and analysis options in the Apply Term Rules tab. The patent professional using this system is responsible for reviewing and updating the Apply Term Rules tab to ensure all data is complete, correct, and consistent with their judgment and interpretation of applicable legal authority.
- (4) Exclusion Days are periods which are not included in determining the end of the 3-year period after the date on which the application was filed under 35 USC 111(a), or the national stages commenced under 35 USC 371(b) or (b) in an international application, used to determine credit under the 3-Year PTO Issue of Patent rule. See 35 USC 154(b)(1)(B)-(iii); 37 CFR 1.702(b)(1)-(5); 1.703(b)(1)-(4).
- (5) Debit Days are days where grounds for reduction of period of adjustment of patent term exist. See, e.g., 37 CFR 1.704. Debit Days are sometimes referred to as Applicant Delay.
- (6) Credit Days are days where grounds for adjustment of patent term exist. See, e.g., 37 CFR 1.702, 1.703. Credit Days are sometimes referred to as USPTO Delay.
- (7) To the extent credit periods overlap other credit periods, debit periods overlap other debit periods, or exclusion periods overlap other exclusion periods, overlaps are summed so that each calendar day generates at most one credit day, one debit day, and one exclusion day.
- (8) Patent Term Adjustment Days equals Net Credit Days minus Net Debit Days, but is not less than zero.